

LUNENBURG SEWER EXTENSION REGULATION

1.0 PREFACE

All sewer extensions must conform to the Sewer By-law.

SEWER EXTENSIONS

Owners of parcels of land or portion of parcels of land located within the Sewer Service Area not presently served by sewer may extend the existing sewer system to serve such parcels only at the discretion of the Sewer Commission subject to available capacity and only if otherwise in compliance with law and with the conditions of all permits.

Prior to granting approval for any sewer extension, the Commission may require the applicant to supply, at his/her own cost and expense, maps, plans, reports, specifications and other data which properly describe proposed work.

Prior to the initiation of a Sewer Extension project in any Sewer Service Zone as identified on the Sewer Service Area Map, and prior to or together with submitting a Sewer Extension application to the Sewer Commission, the applicant shall provide the Sewer Commission with a list of the landowners affected by such extension and the Sewer Commission shall survey such landowners to determine whether a minimum of 2/3 of all affected owners support the installation of sewer service.

All development and construction shall be monitored in accordance with the "Monitoring and Inspection Procedures and Fee System of the Lunenburg Sewer Commission."

Upon approval, prior to commencement of work, the applicant may be required to: (i) post bonds, undertakings, guaranties and insurance policies in forms and amounts acceptable to the Commission to guarantee completion of the proposed work and restoration and to indemnify and save harmless the Town of Lunenburg and its officers, agents, servants and employees from damage or loss arising out of or in connection with the work; (ii) apply to the Massachusetts Department of Environmental Protection ("DEP") for approval of the extension pursuant to DEP regulations and (iii) obtain from some or all of the owners to be served by the extension (as determined by the Sewer Commission) an executed and acknowledged covenant in form suitable for recording with the Worcester County Registry of Deeds or filing with the Worcester Registry District of the Land Court to create a lien upon the property to be served to ensure collection of any privilege fee that may be assessed hereunder and to provide that the owner and the owner's successor and assigns shall not seek an abatement of such privilege fee and acknowledges the validity of the privilege fee, which covenant may state a maximum amount for the privilege fee to be assessed and such other terms and conditions as the Sewer Commission shall reasonably require, the fee for recording of such covenant with the Registry of Deeds to be paid to the Sewer Commission by such owners.

2.0 PURPOSE

The purpose of this regulation is to provide for the orderly development of wastewater systems to meet the needs of the citizens of Lunenburg within the Sewer Service Area. Please note that although an effort was made to make this document complete and reflective of Lunenburg requirements for new customers who wish to connect to the system, other regulations may be applicable. As a result, contact should be made with Lunenburg Department of Public Works officials administering this program on a continued basis to ensure familiarity and compliance with the most current regulation standards and procedures prior to planning a sewer system extension. The Lunenburg Sewer Commission reserves the right to revise this regulation and other related policies.

3.0 DEFINITIONS

Available Capacity - Available Capacity is flow that is available via inter-municipal agreement or other sources that has not been previously allocated by the Sewer Commission.

Engineer – A person registered as a Professional Engineer in good standing with the Massachusetts State Board of Registration for Professional Engineers and Land Surveyors.

Extension - Any sewer line lengthening required to connect a sewer service to a large main or sewer lateral to an outfall sewer or major trunk sewer.

Public Works – The Lunenburg Department of Public Works.

Sewer Service Area – The map approved by the Sewer Commission and by Town Meeting vote May 2, 2009 delineating the Sewer Service Area and Sewer Service Zones.

Sewer Service Zone - An area located within the Sewer Service Area and as shown on the Sewer Service Area Map.

4.0 GENERAL REQUIREMENTS FOR ALL EXTENSIONS:

1. No property, or portion of a property, located outside the Sewer Service Area shall be allowed to extend or construct a sanitary sewer.
2. There must be sufficient available capacity to accommodate the proposed expansion.

5.0 APPLICATION PROCESS

1. Applicant(s) must submit a formal application to the DPW Director on a form approved by the Sewer Commission.
2. The DPW Director or his agent shall make a site inspection to check topography, current manhole locations, etc. Following inspection, DPW or his agent shall provide a written recommendation to the Sewer Commission.
3. The applicant shall provide the Sewer Commission with a list of the landowners affected by such extension and the Sewer Commission shall have surveyed such landowners to verify whether a minimum of 2/3 of all affected owners support the installation of the sewer extension.
4. The Sewer Commission shall hold a hearing at which time the applicant(s) shall be given the opportunity to present their request to the Commission. Following said hearing Sewer Commission shall make a determination as to whether they will consider an extension; the applicant shall be notified in writing.
5. Extension approvals shall be valid for six months unless extended by a vote of the Sewer Commission.

6. All parcels along the sewer way, with at least 50 feet of frontage and conforming to the requirements of the Lunenburg Protective Bylaw, shall be assessed a privilege fee to be determined by the Sewer Commission consistent with the Sewer Assessment Bylaw of the Town of Lunenburg. Apportionment of this fee plus interest shall be permitted only if specifically requested at the time of assessment and only for a period of not to exceed ten (10) years.
7. Any property connecting to the sewer system shall be required to pay a connection fee as determined by the Sewer Commission.

6.0 GENERAL SPECIFICATIONS

1. Sewer extensions shall be installed on the property they are to serve; no extension shall be allowed within an easement.
2. Sewer line must remain contiguous with the parcel that it serves. Frontage on the sewer way and point of connection must also be the point of access to the property.
3. Only one residence may connect to a sewer lateral.
4. At full completion, as determined by the Sewer Commission, all main lines within the public way shall be owned by the Town of Lunenburg. The Town is responsible solely for the sewer main; not individual laterals.

7.0 EXTENSION SUBMISSION REQUIREMENTS

1. The applicant shall be required to submit an engineered plan drawn by a registered professional engineer for review and approval.
2. The design must be designed and sized consistent with the build out plan of the Comprehensive Wastewater Management Plan for the zone in which the extension is proposed.
3. The Sewer Commission may require a peer review of the engineered plan submitted to be paid for by the applicant.
4. The main shall be engineered to the mid line (50%), at a minimum, of the frontage of the property to be served by the extension.
5. The installer would be required to install the proposed new main consistent with current regulations and guidelines as directed by an agent of the Town.
6. Upon approval, prior to commencement of work, the applicant or his agent may be required to post bonds, undertakings, guaranties and insurance policies in forms and amounts acceptable to the Commission to guarantee completion of the proposed work and restoration and to indemnify and save harmless the Town of Lunenburg and its officers, agents, servants and employees from damage or loss arising out of or in connection with the work. Guarantees shall be in place for a minimum of one year following substantial completion.

8.0 PRIVATELY FUNDED EXTENSION

1. This Section 8.0 shall apply only to extension that are constructed by private parties and not by the Town of Lunenburg and extensions constructed by the Town solely with funds provided in advance by private parties. At full completion, as determined by the Sewer Commission, all main lines within the public way shall be owned by the Town of Lunenburg, said ownership to be effective upon vote of the Sewer Commission accepting the sewer extension as a common sewer.
2. For such privately-funded extensions, the application shall be signed by all those property owners who have agreed to share proportionally in the cost of such extension, but the applicant need not supply a signed petition verifying that a minimum of 2/3 of all affected owners support the installation of a sewer extension, provided that, prior to construction, those owners who signed the application deliver to the Sewer Commission an executed and acknowledged covenant in form suitable for recording with the Worcester County Registry of Deeds or filing with the Worcester Registry District of the Land Court to create a lien upon the property to be served to ensure collection of any privilege fee that may be assessed hereunder and to provide that the owner and the owner's successor and assigns shall not seek an abatement of such privilege fee and acknowledges the validity of the privilege fee, which covenant may state a maximum amount for the privilege fee to be assessed and such other terms and conditions as the Sewer Commission shall reasonably require, the fee for recording of such covenant with the Registry of Deeds to be paid to the Sewer Commission by such owners.
3. All parcels along the way within which the privately-funded extension is located, whose owners shared proportionally in the cost of such extension, shall be assessed a privilege fee equal to 50% of the prior betterment amount (for example as of September 2012 this would be 50% of \$11,551.47, or \$5,775.74), payable at the time such sewer extension is completed, whether or not such owners connect to the sewer at that time or prefer to connect at a later time, subject to available capacity, which discount is intended to reflect such owners contribution to the cost of the extension. Apportionment of this fee plus interest shall be permitted only if specifically requested at the time of assessment and only for a period of not to exceed ten (10) years.
4. At any time after the extension has been accepted by the Sewer Commission, owners of any parcel abutting the side lines of the portion of the way within which the privately-funded extension is located shall have the right to connect to such extension, at their sole cost and subject to available capacity and subject to the requirement, prior to and as a condition of issuance of a sewer connection permit, to deliver a covenant as described in Section 8-2 above, the fee for recording of such covenant with the Registry of Deeds to be paid to the Sewer Commission by such owners. All such abutting parcels whose owners or former owners did not share in the cost of such extension shall be assessed a privilege fee equal to the prior betterment amount (for example as of September 2012 this would be \$11,551.47, payable at the time of approval of a sewer connection application, which full payment is intended to reflect that such owners did not bear any cost of the extension. Apportionment of this fee plus interest shall be permitted only if specifically requested at the time of assessment and only for a period of not to exceed ten (10) years.
5. If the proposed privately-funded extension will not extend sewers to all of the remaining unsewered ways in the sewer service zone within which the extension is to be located, it must

nevertheless be designed, in the determination of the Sewer Commission's engineers providing peer review of project design, with adequate size, materials, grade, appurtenances, so that it can be used to further extend sewer service to all of the remaining unsewered ways in such sewer service zone without modification to such privately-funded extension.

6. Notwithstanding such determination under Section 8-5 above of adequacy of design of such privately-funded extension to serve the remainder of the sewer service zone or notwithstanding that a waiver of the requirement for such determination may be granted, if circumstances change, including but not limited to changes in state or federal law or regulations, state or federal administrative or court order, changes in land use within the sewer service zone that require increased sewer capacity, changes in sewer service zone or sewer service area design such as from a grinder-pump and/or low-pressure gravity system to a gravity and/or high-pressure system, failure or deterioration of such extension, or a later finding that such determination was inaccurate, or if a waiver from such determination was granted, properties served by such extension may be assessed a betterment or privilege fee for their proportionate share of the cost to the Town, if any, of replacing, repairing or upgrading such extension or of their proportionate share of the cost to the Town, if any, of a wider-area extension serving the parcels served by such privately-funded extension and other parcels. In the event of such later assessment, those properties who were assessed either a 50% or 100% assessment as provided in Sections 8-3 or 8-4 above, shall be credited with that assessment against the portion of any such later betterment assessment or privilege fee that is intended to recover more than the cost to the Town of replacing, repairing or upgrading such extension or wider-area extension (i.e., that is intended to recover the sewer service area capital costs for which the prior betterment amount of \$11,551.47 was assessed), which credit is intended to reflect that such properties will already have been assessed their share of prior sewer service area capital costs by means of such 50% or 100% assessment.
7. All of the provisions of this Sewer Extension Regulation that that are not expressly modified by this Section 8 for privately-funded extensions shall apply to such extensions and to connections thereto and to the assessment of privilege fees.

9.0 GENERAL

1. This Sewer Extension Regulation has been adopted pursuant to Section 10 of Chapter 83 of the General Laws and will take effect upon publication.
2. The Sewer Commission may waive any provision of this Sewer Extension Regulation for good cause shown, with or without a hearing.
3. For any hearings to be held under this Sewer Extension Regulation, no notice beyond that required under Sections 18-35 of General Laws Chapter 30A (the Open Meeting Law) is required.